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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,972	11/16/2005	Manfred Roether	P2107-284	5876
2352 7590 06/23/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
NICHOLSON III, LESLIE AUGUST				
ART UNIT		PAPER NUMBER		
3651				
MAIL DATE		DELIVERY MODE		
06/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,972

Applicant(s)

ROETHER ET AL.

Examiner

LESLIE NICHOLSON III

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 10/11/2005, 5/10/2007
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5,6,11,12,15,18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Herronen USP 6,019,214.

Herronen discloses a transport device comprising a flat transport element (24) and a drive (20), at least one basic carrier (32,33) including rollers (34,35,44), and at least one article carrier (55,56) mounted on the carrier (fig.3,4), wherein the transport element comprises a flexible, bendable belt (C1/L15), a fastening between the basic carrier and article carrier (at least figure 6 shows them fastened to one another), at least one stop (C2/L18-27).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3,10,11,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noestheden USP 5,465,826.

Noestheden discloses a transport device comprising an element (32) and a drive (36), at least one basic carrier (50) including rollers (54,56), at least article carrier mounted on the carrier (52), wherein the basic carrier comprises a basic provided with at least two of the rollers (fig.4,13). Though Noestheden does not expressly disclose the transport element being that of a flat transport element comprising a flexible, bendable belt, it would have been obvious to one having ordinary skill in the art to, as a matter of design choice, provide a flat transport element comprising a flexible, bendable belt for the purpose of providing a continuous driving element that is resilient.

6. Claims 4,7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noestheden USP 5,465,826 in view of Vetter USP 5,377,815.

Noestheden discloses all the limitations of the claims, but does not expressly disclose the at least one article carrier comprising a clip, or the basic carrier comprising a magazine, wherein the magazine comprises fastening elements.

Vetter teaches at least one article carrier comprising a clip (3), and the basic carrier comprising a magazine (17), wherein the magazine comprises fastening elements (3) for the purpose of securely gripping multiple articles.

At the time of invention it would have been obvious to one having ordinary skill in the art to provide at least one article carrier comprising a clip, and the basic carrier comprising a magazine, wherein the magazine comprises fastening elements, as taught by Vetter, in the device of Noestheden, for the purpose of securely gripping multiple articles.

7. Claims 13,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noestheden USP 5,465,826 in view of Muranaka USP 5,901,949.

Noestheden discloses all the limitations of the claims, but does not expressly disclose a clamping device for coupling the basic carrier to the transport element or a pressing device which presses the basic carrier against the transport element.

Muranaka teaches the use of a clamping device and a pressing device (112,113) for the purpose of providing an adequate grip to the guide element.

At the time of invention it would have been obvious to one having ordinary skill in the art to provide a clamping device for coupling the basic carrier to the transport element and a pressing device which presses the basic carrier against the transport element, as taught by Muranaka, in the device of Noestheden, for the purpose of providing an adequate grip to the guide element.

8. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Herronen USP 6,019,214 in view of Cattani USP 4,562,919.

Herronen discloses all the limitations of the claims, but does not expressly disclose the fastening comprising a dovetail connection.

Cattani teaches the use of a fastening comprising a dovetail connection for the purpose of allowing fastened elements to be mounted slidably (C2/L40-47).

At the time of invention it would have been obvious to one having ordinary skill in the art to comprise the fastening with a dovetail connection, as taught by Cattani, in the device of Herronen, for the purpose of allowing fastened elements to be mounted slidably.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE NICHOLSON III whose telephone number is (571)272-5487. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 5712726911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art
Unit 3651

/L. N./
Examiner, Art Unit 3651
6/18/2008